

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 CIAE-00 PM-03 H-02 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

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TO SECSTATE WASHDC 2441

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C O N F I D E N T I A L USNATO 3433

E.O. 11652: GDS

TAGS: PFOR, NATO, ICRC, PARM

SUBJECT: INT'L HUMANITARIAN LAW IN ARMED CONFLICTS: PROPOSED NATO
CONSULTATIONS

REF: (A) STATE 145612

(B) STATE 141053

(C) USNATO 3269

(D) STATE 133067

1. POLADS JUNE 24 HELD EXCHANGE ON POSSIBLE NATO CONSULTATIONS RE
UPCOMING LUGANO EXPERTS' CONFERENCE AND THE DIPLOMATIC CONFERENCE
ON HUMANITARIAN LAW IN ARMED CONFLICT. BELGIAN, UK, ITALIAN AND
FRG REPS SAID THEIR GOVTS FAVORED SUCH CONSULTATIONS; DANISH AND
FRENCH REPS REPORTED THEIR AUTHORITIES HAD NO OBJECTIONS.
NORWEGIAN REP SUGGESTED NATO DISCUSSIONS TAKE PLACE AFTER THE
LUGANO EXPERTS' CONFERENCE EARLY NEXT YEAR, BUT WITHDREW THIS IDEA
WHEN IT GATHERED NO SUPPORT. US REP SAID HE WOULD REPORT VIEWS
OF OTHER DELEGATIONS TO WASHINGTON.

2. DISCUSSION CENTERED ON WHETHER TO REQUEST ADVICE FROM INT'L
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MILITARY STAFF (IMS) RE IMPLICATIONS OF BANNING OR LIMITING
USE OF CERTAIN WEAPONS, AS SWEDEN HAS PROPOSED. PROCEDURAL
SUGGESTION WAS ALSO MADE THAT REQUEST TO IMS SHOULD TAKE FORM
OF A MANDATE FOR THE MILITARY COMMITTEE, WHICH THE NAC WOULD

BE ASKED TO APPROVE. ITALIAN AND FRENCH REPS SAID THEIR AUTHORITIES HOPED IMS ADVICE ON WEAPONS QUESTION WOULD BE CAREFULLY PREPARED AND DETAILED. FRG REP NOTED HIS MILITARY AUTHORITIES HAD TAKEN A PRELIMINARY LOOK AT THE POSSIBLE COSTS OF REPLACING THE WEAPONS WHOSE USE MIGHT BE BANNED. BONN'S TENTATIVE CONCLUSIONS WERE THAT REPLACEMENT COSTS WOULD BE PROHIBITIVE.

3. CONSENSUS EMERGED AT MEETING THAT THIS MATTER SHOULD BE TREATED IN TWO PHASES: (A) POLADS WILL FIRST REQUEST IMS TO PROVIDE ADVICE ON THE MILITARY IMPLICATIONS OF PROHIBITNG CERTAIN WEAPONS; (B) POLADS, AT AUTUMN MEETING WITH DISARMAMENT EXPERTS, COULD ANALYZE RESULTS OF IMS STUDY AND HOLD A CONSULTATION ON POLITICAL ASPECTS OF THIS MATTER.

4. FOLLOWING IS TEXT OF DRAFT REQUEST WHICH POLADS CHAIRMAN WOULD SEND TO IMS:

BEGIN TEXT:

THE INTERNATIONAL MILITARY STAFF IS REQUESTED TO EXAMINE THE UTILITY FOR THE DEFENCE OF THE ALLIANCE OF CERTAIN CATEGORIES OF WEAPONS LISTED IN THE PROPOSAL OF THE SWEDISH AND OTHER GOVERNMENTS CONCERNING THE PROHIBITION OF THE USE OF SUCH WEAPONS AS WELL AS THE MILITARY IMPLICATIONS OF SUCH A PROHIBITION, TAKING, HOWEVER, INTO ACCOUNT THE POSSIBILITY OF ACCEPTING CERTAIN USE LIMITATIONS WHICH WOULD NOT DETRIMENTALLY AFFECT THE SECURITY OF THE ALLIANCE.

END TEXT.

4. COMMENT: POLADS DISCUSSION WAS USEFUL IN NARROWING ISSUE TO REQUESTING IMS STUDY. IN VIEW OF CONSIDERABLE ALLIED SUPPORT FOR SUCH A STUDY, WE THINK IT WOULD BE UNPRODUCTIVE FOR US TO OPPOSE IT OUTRIGHT. WE WOULD SUGGEST THAT WE INDICATE NO OBJECTION TO IMS STUDY, BUT SAY WE PREFER THAT IT BE HANDLED AT POLADS/IMS LEVEL. ESCALATING ISSUE TO NAC/MILITARY COMMITTEE LEVEL (SEE PARA 2) MIGHT RESULT IN DEBATE WHICH COULD DUPLICATE OR COMPLICATE WORK OF PARIS GROUP (REF A).

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5. RECOMMENDATION: THT WE BE INSTRUCTED TO INFORM JULY 1 POLADS MEETING THAT US HAS NO OBJECTION TO IMS STUDY, BUT DOUBTS UTILITY OF CHANNELING THE REQUEST THROUGH COUNCIL AND MILITARY COMMITTEE. BRUCE

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<< END OF DOCUMENT >>

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